

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Hostetler et al.	Art Unit:	1612
Application No.:	10/770,885	Examiner:	Snigdha Maewall
Filed:	February 2, 2004	Confirmation No.:	1066
Title:	LIPID DRUG CONJUGATES FOR LOCAL THERAPY OF EYE DISEASES		

**DECLARATION OF DR. WILLIAM R. FREEMAN UNDER 37 C.F.R. § 1.132**

I, William R. Freeman, M.D., do hereby declare and state that:

1. I am Professor of Ophthalmology at University of California at San Diego (UCSD) School of Medicine. I am also Director of Jacobs Retina Center, Department of Ophthalmology and Director of Ophthalmic Photography, Department of Ophthalmology, at University of California at San Diego (UCSD). I have been a practicing physician and medical researcher for over 20 years.

2. I hold a Medical Doctor degree awarded by Mount Sinai School of Medicine in 1979. My complete *curriculum vitae* is attached.

3. I was briefed about the contents of the above-identified patent application and understand that the application includes claims to methods for treating eye diseases using certain compounds. I know the steps of the methods and compounds that are used.

4. I understand that the Examiner objects to the use of the term "eye trauma" in the claims because retinitis allegedly can be characterized as one of the conditions of eye trauma. I would like to comment as follows.

5. In medical usage, retinitis is a disease characterized by the inflammation of the retina, e.g., caused by cytomegalovirus infection or by other infection. The term

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"retinitis" does not include "trauma," which is how those skilled in the art refer to a mechanical injury to an eye caused by some kind of blow or impact.

6. In view of the foregoing, I further declare that the use of the term "eye trauma" in the present application as not including "retinitis" is a valid and common usage. Any competent physician or other medical practitioner would understand that "eye trauma" does not include "retinitis."

7. I further declare that all statements made herein of knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 4/6/09

  
William R. Freeman, M.D.